

## AFFIDAVIT

State of California                    )  
  )   ss:  
County of Orange                    )

Lawrence L. Morton, being first duly sworn upon oath, deposes and says:

- That he is a qualified engineer,
- That he is a Registered Professional Engineer in the State of California,
- That he is a member of the Association of Federal Communications Consulting Engineers,
- That his qualifications are a matter of record with the Federal Communications Commission,
- That he has prepared many broadcast applications and engineering exhibits that have been filed with and granted by the Federal Communications Commission,
- That he has carried out such engineering work and that the results thereof are attached hereto and form part of this affidavit, and
- That the foregoing statement and the report regarding the aforementioned engineering work are true and correct of his own knowledge.

Date: December 4, 1995

ORIGINAL COPY SIGNED

Lawrence L. Morton, P.E.

On December 4, 1995, before me, Nancy A. Chase, a Notary Public, in and for the State of California, personally appeared Lawrence L. Morton known to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that he executed the same.

My Commission expires 11/30/96

ORIGINAL COPY NOTARIZED

Notary Public

## Appendix 2

## **SWORN STATEMENT**

1. My name is Brett Miller and I reside in Santa Ynez, CA. I am a broadcaster, a media consultant and a media broker. I have owned radio stations in Washington and California, I have applied for other FM stations, and I have filed several petitions for rulemakings to allot new FM stations. I am currently the owner of an FM station in northern California. I am aware that, in a Petition for Reconsideration of the FCC's decision in Rulemaking Docket No. 94-29, certain assertions have been made by Marysville Radio, Inc. about a translator application that I filed at the FCC in 1994.

2. Although I was the media broker for the sale of KIQS (FM), Willows, CA [now KQSC] from KIQS, Inc. to Pacific Spanish Network, Inc. [PSN], I was not an exclusive agent for PSN. I listed KIQS (FM) for the Seller and presented offers for the Station to several other buyers before it was sold to PSN. I am not now and have never been an employee or business associate of PSN, which is simply one of my many clients.

3. In 1994, I was made aware of a translator filing opportunity in the Sacramento area through discussions with my friend Lawrence Morton, an engineering consultant who handles all of my broadcast projects and who I had requested to alert me regarding any translator opportunities (because of my growing interest in the use of translators to extend subcarrier coverage). I subsequently requested and received permission from the licensee to specify rebroadcast of primary station KIQS (FM) [now KQSC] in my April 1994 translator application. I own the translator application; PSN has absolutely no ownership interest in the translator application.

4. After my translator application was filed and following the filing of several Petitions against my application, I was contacted by other broadcasters regarding the possible rebroadcast

of their programming on my translator station. In fact, one of the broadcasters who contacted me was the predecessor to Secret Communications, LP [licensee of Woodland and Sacramento radio stations], which was one of the parties who filed comments opposing the Dunnigan Rulemaking and which I understand has filed an Application for Review of the FCC's decision in the Dunnigan rulemaking case (Docket No. 94-29). That broadcaster attempted in 1994 to "pressure" me into committing to use his Woodland, CA FM station on my Sacramento translator.

5. On September 6, 1994, I reached an agreement with Gold Country Communications, Inc., licensee of KNGT-FM, Jackson, CA for the rebroadcast of its FM programming on the proposed translator. See Attachment 1 to this Statement. That agreement gives me additional options with respect to which primary station I will carry on the translator. If and when the translator application is granted by the FCC, I will choose programming from the particular primary station that I believe best serves the needs that are extant at that time. I may use KQSC, I may use KNGT or I may use another FM station's programming.

6. With respect to the proposed Sacramento translator, I informed the FCC in my August 16, 1994 Opposition to the Petition to Deny that a major personal goal is to utilize the translator's FM subcarrier for RBDS-based messaging. Id. at 7-8. This has been a motivating purpose behind the translator application from the outset. See Attachment 1. As part of my personal long-term business planning, I intend to enter RBDS-based paging, which uses the FM subcarrier digitally and is superior to current subcarrier paging technologies.

VERIFICATION

I, Brett E. Miller, am a consultant to Pacific Spanish Network, Inc.. I hereby verify that the foregoing sworn statement is true and complete in every material respect.

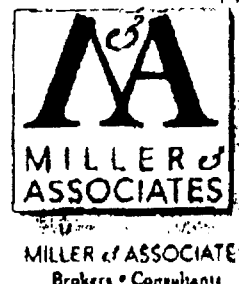
Dated this 4th day of December, 1995.

By:   
Brett E. Miller

**Attachment 1**  
**to Appendix B**

September 6, 1994

Mr. Larry Rutter  
Gold Country Communications, Inc.  
P.O. Box 609  
Jackson, CA 95642  
Via Fax: (209) 223-1837  
Dear Larry:



This letter is follow up to our conversation of last week regarding an application I have filed with the FCC for a translator in the Sacramento market.

My business purpose is to construct translators in various markets in the State with the intent of creating a network of signals to support an RADS-based paging system.

I have filed an application for 105.7 mhz in Sacramento and have drawn fire from some of the local station owners because the designated primary station is so far to the north, along I-5 (in reality, they just want to keep out the competition).

Larry Morton prepared my engineering and suggested I consider your station if you are agreeable. I did a little looking at the map and it appears that not only would your station serve as a primary station signal in Sacramento, but also in Stockton. I have indicated to Larry that if it looks as if this scenario will work, I will want to proceed with a translator application in Stockton (providing there are any available channels).

The FCC rules and application require that I have your permission to put your station's signal on my translator. In fact, the application asks if I have a letter from you indicating your agreement.

Please discuss this with Larry if you wish and also, please call me with any questions you might have. If you are agreeable, please indicate below and simply fax this back to me. Attached is a copy of the coverage of the translator in Sacramento as proposed. Thank you for your consideration.

Regards

  
Brett E. Miller  
BEM/tbh  
Agreed:

  
Larry Rutter

11608 Blossomwood Court • Menlo Park, California 94021  
OFFICE (805) 523-7312 MARKETING (800) 632-2737 FAX (805) 523-8556

**K-Nugget**  
**94<sup>3</sup> fm**

***Hometown Radio***

FAX COMMUNICATION

To: Brett E. Miller  
Miller & Associates  
FAX (805) 523 8556

From: Larry Rutter

Date: September 9, 1994

Brett, you'll find with this transmission a co-signed copy of your letter of September 6.

Keep me abreast of developments.

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**KNQT-FM**

Gold Country Communications, Inc., P.O. Box 609 Jackson, CA 95642  
(209) 223-0241, 754-3745